SEXUAL MISCONDUCT

MAINTAINING PROFESSIONAL STAFF/STUDENT BOUNDARIES

Peoria Public Schools seeks to provide its students with a safe and supportive learning environment and therefore protects its students from sexual misconduct and abuse. The responsibility to protect students and other minors present on school property from sexual misconduct and abuse is shared by the Board of Education, the Superintendent, administrators, teachers, other Peoria Public Schools employees, contractors, volunteers, parents, state agencies and law enforcement.

Although Peoria Public Schools has dedicated, professional staff members, it is important to be certain that proper boundaries are maintained at all times between staff members and students in order to ensure respect for the ethical and legal duties in the staff/student relationship and the essential duty of each staff member to serve as a role model to the student. In doing so, staff members will demonstrate a focus on job duties, a commitment to promote educational purposes, and an unconditional dedication to professionalism in their conduct and interactions with students.

For the purposes of this Policy, a "staff member" is defined broadly to include all full and part-time Peoria Public School employees, including but not limited to: all administrators, counselors, teachers, educational support personnel, paraprofessionals, coaches, school safety personnel, operations and maintenance personnel, food service personnel, clerical personnel, transportation personnel, home school personnel and contract vendors providing instructional services to students, as well as all student teachers, interns, volunteers and community members who work with students. In addition, the term "immediately" is defined as reporting a situation that may constitute a violation of this Policy including, without limitation, the appearance of impropriety, within twenty-four hours of the first suspicion of the violation.

All staff members are expected to maintain professional, moral, and ethical relationships in their conduct with students. They shall serve as role models for students at all times, whether on or off school property, both during and outside of school hours. Peoria Public Schools encourages healthy relationships between students and staff members that promote student achievement and success. At the same time, clear and reasonable boundaries for interactions between students and staff members are necessary to protect students from sexual misconduct and abuse and to protect staff members from misunderstandings and false accusations.

All staff members have a responsibility to provide an atmosphere conducive to learning through consistent and fairly applied discipline and the maintenance of professional physical and emotional boundaries with students. These boundaries shall be maintained regardless of the student's age, the perceived consensual nature of the relationship or activity, the location of the activity, and whether or not the staff member directly supervises the student. For staff members whose children are students of Peoria Public Schools, this policy is not intended to violate or otherwise intrude upon the parent/child relationship.
Personal contact between students and staff members must always be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning.

A boundary violation is an act, omission, or pattern of behavior by a staff member that either abuses or compromises the staff/student professional relationship or has the potential to abuse or compromise the staff/student professional relationship.

**Unacceptable Conduct**

Examples of boundary violations by staff members include but are not limited to the following:

- Any type of inappropriate physical contact with a student or any other conduct that might be considered bullying or harassment under Policies 5:20 (Personnel/Sexual Harassment) or 7:20 (Students/Bullying and Harassment Policy) and 7:180 (Prevention of Bullying);
- Showing sexualized, pornographic or other inappropriate images to a student;
- Dating a student, or discussing or planning a future romantic or sexual relationship with a student;
- Making sexual advances toward a student;
- A flirtatious, romantic or sexual relationship with a student;
- Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship without the knowledge and consent of the principal;
- Socializing with students who are consuming or using alcohol, drugs or tobacco;
- Providing or offering to provide alcohol, drugs or tobacco to students;
- For non-guidance/counseling staff, excessively encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members may talk with the student and then notify a building administrator to seek guidance on whether the case should be referred to appropriate guidance/counseling staff;
- Banter, allusions, jokes or innuendoes of a sexual nature with students;
- Asking a student to keep a secret;
- Disclosing personal, sexual, family, employment concerns, or other inappropriate private matters to one or more students;
- Maintaining personal contact with a student outside of school by telephone, text message, email, social media or letters (beyond homework or other legitimate school business) without the prior express permission of the student's parent/guardian;
- Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities) without the knowledge and consent of the parents or supervisors. Exceptions include:
  - school-sponsored events;
  - organized community activities; and/or
  - family activities
- Giving a student a ride alone in a vehicle in a non-emergency situation without the knowledge and consent of parents and/or supervisors.
Appearance of Impropriety

The following activities are boundary violations and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff members should avoid these situations. If unavoidable, these activities must be pre-approved by the appropriate administrator and the staff member should seek to have at least one other appropriate staff member present if at all possible. If not pre-approved, the staff member must immediately report the occurrence to the appropriate administrator:

- Being alone with an individual student out of the view of others or in an inaccessible location. Exceptions include:
  - school counselor providing professional counseling support services;
  - school nurses providing medical services to a student;
  - teachers providing tutoring services; or
  - athletic trainers providing medical treatment related to the team activity.
- Inviting or allowing individual students to visit the staff member's home without the prior knowledge and express permission of the parent/guardian;
- Inviting students for social contact off school grounds without the prior knowledge and express permission of the parent/guardian;
- Visiting a student at the student’s home in the absence of the student's parent/guardian or without the prior knowledge and express permission of the parent/guardian.

Staff members are expected to be sensitive to the appearance of impropriety in their relationships with students. Staff members are encouraged to discuss issues with the appropriate administrator whenever they are unsure whether particular conduct may constitute a violation of this Policy.

Electronic Communication

Digital technology and social networking provide multiple means for staff members to communicate appropriately with students and to personalize learning. Electronic and online communications between staff members and students must be transparent, contemporaneously accessible to supervisors and parents/guardians, and professional in content and tone. Such communication must be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. Staff members must restrict one-on-one electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to Peoria Public Schools.

As with in-person communications, staff members shall avoid both impropriety and the appearance of impropriety and refrain from inappropriate electronic communications with students.

Parents are encouraged to have access to their children's social networking and digital communications and to supervise their children's use of these methods of communication.
Reporting Violations

Students and their parents/guardians are strongly encouraged to notify the principal, an administrator, the lead supervisor, or the superintendent if they believe a staff member may be engaging in conduct that violates this Policy.

Staff members are required to immediately notify the principal, an administrator, the lead supervisor, or the superintendent if they become aware of a situation that may constitute a violation of this Policy. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect under Policy 5:90 (Abused and Neglected Child Reporting).

Investigation

Investigations of allegations concerning improper staff/student relations shall follow the procedures utilized for complaints of Sexual Harassment/Harassment Based on Race, Color, National Origin, Religion, Sex (including pregnancy), Gender, Marital or Economic Status, Age, Disability, Genetics, or Veteran Status under Policies 5:20 (Sexual Harassment) and 7:20 (Bullying and Harassment Policy).

Disciplinary Action

A violation of this Policy by a staff member may result in disciplinary action up to and including dismissal. In the case of termination of employment for sexual misconduct or abuse, Peoria Public Schools will notify the State Superintendent of Education. Consistent with the Guidelines, Peoria Public Schools will disclose to school districts seeking references any formal reprimands or dismissals for violating this Policy.

Retaliation

Retaliation against students or staff members who report an improper staff/student relationship or who participate in any related proceedings is prohibited. Appropriate action will be taken against students or staff members who retaliate against any other student or staff member who reports alleged harassment or who participates in related proceedings.

Inappropriate Behavior Initiated by a Student

In the event that a student initiates inappropriate behavior toward a staff member, the staff member must document the incident and report it to the principal, an administrator, a school counselor, or her/his supervisor. If appropriate, the principal, administrator, counselor, or supervisor will intervene and speak with the student and the student’s parent/guardian about the alleged inappropriate behavior.

Training

Peoria Public Schools will provide its employees with training on the prevention of sexual misconduct and abuse, including providing them with a copy of Policy 5:21 and this
Administrative Procedure. Training for all employees shall be performed and documented at the
time of hire, and thereafter at least every two years. Contracts with virtual school programs and
other vendors providing instructional services to students will include a requirement that those
staff members will comply with this Policy.

Dissemination of Policy and Reporting Protocols

This Administrative Procedure will be posted on the Peoria Public Schools' online Policy
Manual and in all employee, student and volunteer handbooks.

Adopted: (Date)

SUPERINTENDENT OF SCHOOLS

[Signature]

Dr. Sharon Desmoulin-Kherat

Legal References:

Title IX of the Education Amendments of 1972;
Section 504 of the Rehabilitation Act of 1973

Baynard v. Malone, 268 F.3d 228 (4th Cir. 2001)

Office of Civil Rights: Revised Sexual Harassment Guidance: Harassment
of Students by School Employees, Other Students or Third Parties (2001)

Cross Reference:

2:260 Uniform Grievance Procedure
5:20 Personnel/Sexual Harassment
5:90 Abused and Neglected Child Reporting
7:20 Students/Bullying and Harassment Policy
7:180 Prevention of Bullying